

Application No. 09/741,665

ESSE.01USU1

Remarks

Further consideration of this application is respectfully requested. Claims 1-18 were last presented for examination. Claims 1-18 were previously cancelled without prejudice in favor of a continuing, reissue and/or reexamination application. Claims 19-36 were last presented for examination. Claims 19, 22-25, 27-36 were made subject to our election of species. Applicant has amended claims 19-26, 28-30, 35 and 36. Applicant has elected claim 24 from Group I, claims 27 and 34 from Group II and claim 36 from Group III. Claims 19, 20, 21, 24, 26, 27, 34 and 36 are presented for further examination.

Interview

The personal interview with Examiner Rob Rhode and Examiner Y. Garg with William W. Cochran II was greatly appreciated. In that interview, Examiner Rhode discussed an election of species. In response to the election of species, Applicant has elected claim 24 from Group I, claims 27 and 34 from Group II and claim 36 from Group III.

In that interview, the parties discussed Odom et al. '379, Doyle et al. '551 and Case et al. '418. As discussed in the interview, Odom et al. discloses an "Ebay" bidding type of auction. As also discussed in the interview, Case et al. discloses a "Priceline" type of reverse auction system in which the purchaser submits a conditional purchase order to name its own price. Case et al. provides a way in which a floor price cannot be determined by submitting multiple conditional purchase orders. Doyle et al. comprises a standard computerized ordering system. None of these references disclose a system in which the seller remains anonymous both during the transaction and after the transaction is completed.

It was agreed with Examiner Rob Rhode that these references were not applicable to the newly presented claims in Amendment A, i.e., claims 19-36.

Claims 19-26, 28-30, 35 and 36 have been amended to ensure recitation of statutory subject matter in accordance with the discussions with Examiner Rhode in the interview of October 7, 2004.

Application No. 09/741,665


ESSE.01USU1

For these reasons, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Dated this 14th day of October 2004.

Respectfully submitted,

By:



William W. Cochran
Registration No. 26,652
Cochran Freund & Young LLC
3555 Stanford Road, Suite 230
Fort Collins, CO 80525

Phone: (970) 377-6363

Fax: (970) 207-1985

Customer No.: 27479